United Nations A/52/PV.55

General Assembly
Fifty-second Session

Official Records

55th plenary meeting
Tuesday, 25 November 1997, 3 p.m.
New York

President: Mr. Udovenko . . . . . (Ukraine)

The meeting was called to order at 4.45 p.m.

Agenda item 40 (*continued*)

Cooperation between the United Nations and the Organization for Security and Cooperation in Europe

Report of the Secretary-General (A/52/450)

Draft resolution (A/52/L.38)

Amendment (A/52/L.39)

The President: I call on the representative of Armenia, who wishes to make a proposal.

Mr. Abelian (Armenia): My delegation would like to make a motion of no action under rule 74 of the rules of procedure of the General Assembly on the amendment [A/52/L.39] proposed by the delegation of Azerbaijan to draft resolution A/52/L.38, entitled "Cooperation between the United Nations and the Organization for Security and Cooperation in Europe". We make this proposal for the following reasons: the common interpretations and definitions used by the Organization for Security and Cooperation in Europe (OSCE) are based on decisions taken by consensus among the delegations of OSCE member States during meetings at various levels, namely OSCE summits, and meetings of the OSCE Council of Ministers, the OSCE Senior Council, the Committee of Senior Officials, and so forth. They express the common position of all Member States of OSCE and are based on the awareness of the necessity to guarantee balance and objectivity in the OSCE Minsk Group mediation efforts.

The amendment proposed by Azerbaijan is one-sided and biased, and it imposes a compulsory framework to which Armenia cannot agree. Being an obvious attempt to predetermine the outcome of the Copenhagen meeting of the OSCE Ministerial Council, this amendment in fact rejects the language proposed by the Chairman-in-Office.

We view this as an inappropriate move, since OSCE is the sole mandated and authoritative body dealing with the Nagorny Karabakh conflict. For this obvious reason, the sponsors did not find it appropriate to include the amendment proposed by Azerbaijan in the draft resolution.

The delegation of Armenia fully supports the draft resolution presented by the Chairman-in-Office this morning. Therefore, my delegation regrets to state that Azerbaijan has failed to take into account the arguments I have just mentioned.

The delegation of Armenia dissociates itself from any interpretation of language which contradicts the decisions agreed upon by consensus in OSCE among its members.

Having said that, I would like to make a motion of no action, and I call upon Member States to vote in favour of this motion.

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The President: The representative of Armenia has moved within the terms of rule 74 of the rules of procedure that no action be taken on the amendment contained in document A/52/L.39. I would like to remind the Assembly that rule 74 reads as follows:

> "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

I call on the representative of Azerbaijan.

Mr. Kouliev (Azerbaijan) (*interpretation from Russian*): As was the case last year, the delegation of Armenia has once again put forward a procedural measure — a motion of no action — thus attempting to deprive us of the possibility of defending our highest national interests. The delegation of Azerbaijan is categorically opposed to this. Azerbaijan has not made and does not make any claims to anyone else's territory, but neither will it permit any kind of encroachment on its own territory.

The Nagorny Karabakh region is an integral part of the Azerbaijani Republic. As a United Nations Member State, Azerbaijan must not be deprived of its legitimate right to express its view on a question which is so important for its own destiny. In protecting its sovereignty and territorial integrity, Azerbaijan must not be deprived of the opportunity to propose an amendment for consideration by the General Assembly. At its fifty-first session, the General Assembly rejected this procedural measure.

We call upon Member States, as we did last year, to vote against the motion of no action proposed by Armenia.

The President: If no other delegation wishes to speak on this issue, I shall now put to the vote the motion submitted by the representative of Armenia that no action be taken on the amendment contained in document A/52/L.39, which is an amendment submitted by Azerbaijan to the draft resolution contained in document A/52/L.38.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Armenia

Against:

Algeria, Azerbaijan, Bangladesh, Brunei Darussalam, Côte d'Ivoire, Egypt, Guyana, Indonesia, Kazakhstan, Kuwait, Kyrgyzstan, Malaysia, Maldives, Malta, Mexico, Morocco, Oman, Pakistan, Qatar, Senegal, Singapore, Sudan, Swaziland, Thailand, Tunisia, Turkey, Ukraine, Uzbekistan, Yemen

Abstaining:

Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Mongolia, Myanmar, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Zambia, Zimbabwe

The motion was rejected by 29 votes to 1, with 81 abstentions.

The President: Since the motion of no action has not been adopted, we shall now proceed to consider draft resolution A/52/L.38 and the amendment contained in document A/52/L.39.

Since there are no speakers in explanation of vote before the voting, we shall now proceed to take a decision on draft resolution A/52/L.38 and on the amendment thereto, contained in document A/52/L.39.

In accordance with rule 90 of the rules of procedure, the amendment is voted on first. The

Assembly shall therefore take a decision first on the amendment circulated in document A/52/L.39.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Algeria, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Nepal, Netherlands, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela, Yemen

Against:

Armenia

Abstaining:

Antigua and Barbuda, El Salvador, Estonia, Jamaica, Latvia, Marshall Islands, Myanmar, New Zealand, Papua New Guinea, Philippines, Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Singapore, South Africa, Togo

The amendment was adopted by 104 votes to 1, with 17 abstentions.

The President: The Assembly will now take a decision on draft resolution A/52/L.38 as a whole, as amended.

A recorded vote was taken.

In favour:

Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela, Yemen, Zambia, Zimbabwe

Against:

None

Abstaining:

Armenia

Draft resolution A/52/L.38, as amended, was adopted by 126 votes to none, with 1 abstention (resolution 52/22).

The President: Before giving the floor to speakers in explanation of vote after the vote, may I remind representatives that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Sychou (Belarus) (*interpretation from Russian*): The delegation of the Republic of Belarus, acting in a

spirit of compromise and mutual understanding, broadly supported draft resolution A/52/L.38 and at this stage will not insist on the adoption of our amendments to many of its provisions. We should also like to thank those delegations that expressed a readiness to sponsor those amendments.

At the same time, we must focus the attention of the General Assembly on the clear imbalance between several points stressed by draft resolution L.38 regarding basic areas for the pan-European process, and the clear slant in favour of including in the draft resolution only the decisions of the Organization for Security and Cooperation in Europe (OSCE). In this regard the delegation of Belarus does not consider that it is advisable for the United Nations General Assembly to be involved in issues of micro-management with regard to the purely internal competence of regional organizations.

In this context, we affirm our readiness to implement the decision of the Permanent Council of the OSCE to establish an Advisory and Monitoring Group of the OSCE in Belarus based on mutually acceptable conditions. We believe that it is premature for the General Assembly to take note of this decision, given that the negotiating process is continuing and consultations are taking place between the Government of Belarus and the OSCE on the memorandum on understanding to implement that decision of the Permanent Council of the OSCE.

In future, we intend to continue to base our position on the fact that decisions adopted regarding areas of interaction between the United Nations and the OSCE, as in the case of interaction between the United Nations and all other regional organizations, can yield tangible results only when they cover the entire range of the most important spheres of competence of each of them and are supported by all Member States.

Miss Lucas (Luxembourg) (*interpretation from French*): The European Union regrets that once again it has not been possible to adopt this resolution by consensus. The resolution is part of a series of resolutions dealing with cooperation between the United Nations and various international or regional organizations. The European Union would also have preferred the focus of our discussion to have been on strengthening cooperation between the United Nations and the Organization for Security and Cooperation in Europe (OSCE) and on the coordination of their activities. With regard to the substance of the question addressed in the amendment introduced by the Republic of Azerbaijan, the European Union can only repeat its earlier comment, made in the general debate: the principles that should lead to a settlement respecting the dignity and interests of the parties to the conflict in Nagorny Karabakh are well-known; they are clearly defined in the framework of the OSCE. We appeal to the parties to pursue their negotiations in the framework of the Minsk Process. The States members of the European Union, as co-sponsors of the draft resolution introduced by the Chairman-in-Office of the OSCE, would have preferred reaching a consensus on maintaining paragraph 16 as it was. The amendment proposed by Azerbaijan, however, reverts to the language adopted last year by the General Assembly. The European Union therefore joined with the Co-Chairmen of the Minsk Conference by voting in favour of A/52/L.39.

Mr. Abelian (Armenia): My delegation voted against the amendment proposed by the delegation of Azerbaijan and abstained on the resolution as a whole for the following reasons. The initial proposal put forward by the Chairman-in-Office was very balanced and was dictated by the need to create a more favourable environment for the peace process on the eve of the Copenhagen ministerial meeting. The United Nations should not have second-guessed the language proposed by the Chairman-in-Office, since the OSCE is the sole mandated and authoritative body dealing with the Nagorny Karabakh conflict.

We are surprised that the States members of the OSCE, including the members of the European Union, voted in favour of the Azerbaijani amendment, given that they earlier sponsored the proposed draft. In this respect we are particularly disappointed by the decision of the Co-Chairmen of the Minsk Group to support this amendment. The position of the Minsk Group Co-Chairmen countries to vote in favour of the Azerbaijani amendment undermines and dismisses the initial proposal of the OSCE Chairman-in-Office.

We are convinced that any attempt to predetermine the final status of Nagorny Karabakh will continue to have a negative effect on the peace process, as did the Lisbon Declaration, not only making the commencement of negotiations on Nagorny Karabakh difficult, but also making the signing of an interim agreement between the parties to the conflict highly unlikely. However, Armenia remains committed to the peace process and will continue to be constructively engaged in negotiations to reach a peaceful resolution to the conflict based on goodwill and mutual compromise.

Mr. Dlamini (Swaziland): My delegation wholeheartedly supported this resolution. This support emanated from the belief that the regional organization should truly be given support by the United Nations. This is in the spirit of the Charter itself, which advocates, for both regional and subregional organizations, the resolution of existing conflicts and also the economic problems which normally beset our subregions.

Furthermore, my delegation humbly implores the group affected by the resolution to endeavour to sit around a regional conference table to resolve any problems. I say to those concerned: "Quarrelling with your brother, misunderstanding the language of your brother, has no place nowadays". Therefore, I humbly request that in future before they come to the Assembly they try to overcome any difficulty and not interrupt as we take action on such draft resolutions.

Let us turn the weapons of the cold war into a machinery for development, a mechanism for creating sacred vows on peace and security, so that any future draft resolution can be adopted by consensus, like the one on relations between the Organization of African Unity and the United Nations. I urge my friends, my brothers and sisters, to bury their hatchets and learn to love one another, so that they do not waste time and energy which they need for sustainable economic development.

The President: We have heard the last speaker in explanation of vote. I call on the representative of Estonia, who wishes to speak in exercise of the right of reply.

Mr. Velliste (Estonia): I should like to clarify the Estonian Government's position on a matter raised this morning by the representative of the Russian Federation.

Estonia has consistently supported cooperation between the United Nations and regional organizations, including the Organization for Security and Cooperation in Europe (OSCE), in a wide range of matters.

In this regard, I would specifically like to clarify that the OSCE agenda does not contain an issue of human rights in Estonia. However, the Estonian Government has developed close relations with the OSCE High Commissioner on National Minorities in addressing problems caused by the collapse of the Soviet empire and directly resulting from Soviet occupation. These concern activities of integrating an alien population into Estonian society. It is widely believed that Estonia has succeeded in making good progress towards this end.

Finally, I wish to recall that, by a consensual decision, the General Assembly at its fifty-first session welcomed the fruitful cooperation of the Government of Estonia with the OSCE.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 40?

It was so decided.

Agenda item 23

Multilingualism

Report of the Secretary-General (A/52/577)

Draft resolution (A/52/L.35)

The President: I give the floor to the representative of France to introduce draft resolution A/52/L.35.

Mr. Thiébaud (France) *(interpretation from French):* Since the adoption of the United Nations Charter, Article 111 of which states that the texts in the various languages are equally authentic, we have continually tried to maintain parity in the official languages and working languages of the various bodies.

It is this use of several languages, on the basis of equality, that we call multilingualism, and that we wish today to continue to support.

Equal treatment by the United Nations of the official languages and working languages is a major factor in harmonious international life, enriched by the promotion of the diversity of cultures.

We need a great deal of determination to follow the rule — respect for the principle of equality of languages. The purpose of resolution 50/11, adopted by the General Assembly in 1995, was to ensure that respect.

The efforts which have been made should be acknowledged, and we gladly recognize them, particularly given the Secretary-General's personal dedication to multilingualism. However, these efforts must be pursued and intensified. We hope that measures will be taken, as indicated in paragraph 2 of the report, to support the study of official languages and

"to ensure that languages learned can be used in the working environment and to promote respect for the Organization's linguistic and cultural diversity".

Any circular or other instruction aimed at the full implementation of the principles recalled in resolution 50/11 would be useful in this respect.

Similarly, we would hope to see implementation of the idea expressed in paragraph 9 of the report, that to promote multilingualism the Secretariat encourage staff members to make equal use of the working languages in their official communications. It seems to us that such encouragement would be more convincing when it concerned promotion prospects.

The full implementation of resolution 50/11 requires specific results for all the subjects mentioned in it, whether knowledge of official languages as a factor in promotion; equality of working languages within the Secretariat; the training or recruitment of specialists guaranteeing the proper and timely translation of documents into the different official languages, in order to ensure simultaneous distribution; the availability of data banks in the different official languages; and the teaching, at all levels, of the official languages and the working languages of the Secretariat.

That is why we are requesting the Secretary-General to report to us again at the fifty-fourth session on his continued efforts, and their results, to implement all the principles set out in resolution 50/11.

I have described the purpose of the draft resolution, whose subject, as demonstrated by the list of sponsors is one to which many Member States attach importance. They give it their deepest attention, reflecting their commitment to the diversity of cultures for which the United Nations provides a forum.

The adoption of the draft resolution will help us in this respect. The delegation of France commends the draft resolution to all delegations and thanks them for their support, which we hope and expect will be unanimous.

Mr. Young (Saint Vincent and the Grenadines), Vice-President, took the Chair.

Mr. Arias (Spain) (*interpretation from Spanish*): It gives particular satisfaction to the delegation of Spain today to speak on this agenda item, entitled "Multilingualism".

I wish to recall that during the fiftieth session, Spain, together with the other member States of the Ibero-American Conference, played a particularly active role in the efforts which led first to the inclusion of this item on the agenda of that session and later to the adoption of resolution 50/11.

My country felt that the commemoration of the fiftieth anniversary of our Organization gave us the ideal opportunity to reaffirm the universality on which the United Nations is based, and, as a corollary, to confirm the principle of multilingualism, the expression and fundamental instrument of dialogue between Member States. For Spain, which has established language pluralism as one of the guiding principles of its own society, support for and strengthening the use of the various official languages in our work and deliberations is of the utmost importance.

For its part, the General Assembly, in adopting resolution 50/11 by a large majority, recognized the need strictly to apply the language regime established with respect both to the working languages of the Secretariat and to the six official languages and working languages of the General Assembly, its Committees and subcommittees, the Security Council and the Economic and Social Council.

At this session, we are again discussing multilingualism, in the light of the report [A/52/577] submitted by the Secretary-General to Member States pursuant to paragraph 10 of resolution 50/11.

This debate could not be more timely. If the fifty-second session of the General Assembly, which has already been dubbed the "reform Assembly", is to provide an opportunity for all Member States to try to prepare our Organization for the challenges of the next millennium, so that it can shoulder its responsibilities more efficiently, we should register our continued interest in carrying on studying in depth the proper implementation of the language regime of our Organization. We must be particularly aware that the existing language regime strengthens the relevance of the role of the Organization, not only because it allows for richer contributions to our deliberations, but also because it enables our respective publics to identify with our tasks.

My delegation therefore wishes to express its appreciation to the Secretary-General for his report, which we have studied carefully. In the various aspects

covered it seeks to respond to many of the issues raised in resolution 50/11. However, as a whole, it gives only a static analysis of the present situation. My delegation's assessment of the report confirms our view that implementation of the existing language regime calls for a more detailed analysis and the continued attention of Member States and the Secretariat.

Questions such as the recruitment of staff who have a command of and can use the working languages, training in the official and working languages, the translation of documents and the timely strengthening of interpretation services require an appropriate follow-up in order to meet the demand on such an important matter.

That is why the delegation of Spain became one of the sponsors of the draft resolution that has just been introduced by the representative of France. My delegation is confident that it will enjoy the full support of the General Assembly.

In conclusion, I would like to reiterate the conviction of the delegation of Spain as to the importance of the current language regime as a way of putting the universal character of our Organization into practice.

Mr. Minoves-Triquell (Andorra) (*interpretation from French*): Andorra is a fervent advocate of multilingualism. The official language of my country is Catalan, which has been our language since time immemorial. However, the people of Andorra also have a good grasp of French and Spanish, the languages spoken in neighbouring States. This openness to other languages is not only economic openness, which allows our tradespeople to understand the requests of tourists, but also a also great cultural openness that we want to preserve. In our schools Catalan is insisted upon, but lessons are also given in French, Spanish and English. The preservation and advancement of our own language and culture do not preclude other languages and cultures.

(*spoke in Spanish*)

Andorra's special features make it natural for us to be one of the sponsors of draft resolution A/52/L.35 on multilingualism, which was introduced by France. I fully agree with what Mr. Thiébaud said this afternoon. United Nations promotion policy should take more account of the linguistic skills of staff members. If we want the United Nations to be a faithful reflection of the world's diversity, use of the official languages should be widespread. We should not penalize talented people for not knowing languages, but there is also a need to reward properly those staff members who make the effort to acquire fluency in various languages. We are pleased in his report of 6 November that the Secretary-General points out that languages are taught at duty stations. We should find the means to provide incentives for the use of these resources by all.

(*spoke in English*)

The initiative to encourage multilingualism at the United Nations must not be read as an expression by one or a few particular languages of a fear of losing ground in an increasingly unilingual world. Precisely because the world is more and more the ground for one *lingua franca*, we must endeavour to make people appreciate the wealth hidden in different languages, and the United Nations must be the first flag-bearer in this effort. An Organization that comprises 185 States cannot allow itself to slip into the convenience of using only one language.

(*spoke in Catalan; English text furnished by the delegation*)

The unity of action of our Organization must come from a convergence of diversity, never from uniformity. Without fear, we must make greater use of the languages at our disposal. Since our admission to the Organization in 1993, the Head of Government of Andorra has made all of his statements in the general debate in Catalan, our language, not with the goal of promoting nationalism, but in the desire to highlight the natural diversity of the cultures that can be found in this forum. This has always been done while providing a translation of the text, at very modest cost. Our message has been conveyed equally well. Andorra would like to encourage the other States to express themselves in their own language during the general debate. In this way we shall be aware of that great wealth of nations, their languages, as vehicles for the expression of human potentialities — without fear, and without hidden ideological intentions, but with the simplicity of a country that presents what is its own. We therefore advocate multilingualism at the United Nations, at the level of the working languages, the level of the official languages and, when possible, the level of all the languages of States.

Mr. Kaabachi (Tunisia) (*interpretation from French*): Tunisia is pleased to speak today on an item which it strongly supported for inclusion in the agenda of the General Assembly two years ago. It will be recalled that this item first appeared on the agenda at the time when the international community was solemnly

commemorating the fiftieth anniversary of the establishment of the United Nations.

The statements made during the discussion on the agenda item on multilingualism on that occasion, and the resolution adopted then, clearly affirm the multilingual character of the United Nations. By returning to this question today, we pay tribute to the founding fathers of our Organization. The United Nations symbolizes the concrete expression of respect for and acceptance of others in all their diversity.

In reaffirming the multilingual character of the United Nations, we respect not only the spirit and the letter of the Charter but, above all, we take a positive step to counter totalitarian ideologies. The principles of the Organization, we should recall, stress, respect and call for the safeguarding of difference. Such respect for differences among individuals, which is at the very root of any democratic society, should be the fundamental principle of relations among States. Democracy, the practice of which, within our countries, is rightly considered to be both an obligation and a virtue, is no less important in international relations.

As we take up the subject of multilingualism, a committee of the whole of the General Assembly, under agenda item 157, is scrutinizing the reform of the Organization. As the title of the Secretary-General's report — "Renewing the United Nations: a programme for reform" — indicates, that scrutiny is taking place from the perspective of renewal. The consideration of that question affords us an excellent opportunity for further reflection on the question of multilingualism in the United Nations, which is one of the important elements to be retained within the framework of this reform. This reminder of the importance of linguistic diversity in the United Nations is, in Tunisia's view, one of the main factors to be addressed in any overall reflection intended to contribute to the renewal of the United Nations and to imbue it with a new dynamism.

While the process of reflection on the future of the United Nations is far from being completed, and indeed is growing in scope and breadth, Tunisia hopes that the question of multilingualism will continue to arouse the interest it deserves in order to remain an important element of any draft which may be prepared or agreed with a view to increasing the efficiency and reach of the Organization.

Such reaffirmation of the international community's interest in recognizing and consolidating linguistic diversity should at the same time be accompanied by concrete acts and daily gestures to ensure a harmonious, mutually beneficial and fruitful coexistence among all cultures.

We believe that the principle of respect for the use of all official languages of the United Nations should be a simple fact, and should be put into practice in all meetings held by the Organization. No reason, however valid, should in our view be the pretext for a discriminatory usage that did not respect the wishes of Member States and disregarded the principles underlying the linguistic balance consecrated by the Organization's founding fathers.

In this context, we take note of the Secretary-General's report, contained in document A/52/577, on the question of multilingualism. We do not wish to comment on the content of the paragraphs dealing with the use of official languages in the Secretariat at the present stage, given that the relevant document was not available far enough in advance to allow us to study it closely. The paragraphs concerned, however, could be considered by the appropriate bodies, among them the Fifth Committee. My country's delegation will not fail to make its contribution in that context, so that the resolution on multilingualism is implemented in a satisfactory and effective way.

The paragraphs of the Secretary-General's report which I would like to comment on very briefly are those having to do with the work we carry out at the United Nations every day as delegations of Member States. The report considers the simultaneous distribution of documents to be satisfactory, but we would like, in this regard, to ask the Secretariat to respect the rules and decisions taken in this area. It should be recalled, in this connection, that during the current session documentation has rarely been available on time in the various working languages. The increasingly widespread use of a single language during this session has diminished our ability to work and to react quickly in the framework of negotiations and consultations, both formal and informal. To use the Secretary-General's formula, reform is not an event. Neither, in our view, is it an abstract formula. Reform should mean, above all, improvement in our working conditions so as to ensure greater participation, efficiency, transparency, and democracy. If we do not have documents in all the working languages at our disposal, our participation will frequently be lessened or non-existent.

Thus we hope that the reform to be undertaken will be accompanied by an improvement in the use of the official languages of the United Nations so that everyday practice in our work corresponded to the wishes of Member States and the rules they have established, particularly where respect for multilingualism is concerned.

We hope that by adopting a resolution on multilingualism in the General Assembly, the Member States will once again reaffirm their commitment to diversity and to the richness of cultures and civilizations, which are the fundamental guarantors of their authenticity but also of universality in the global village which our planet earth has become today.

Mr. Albin (Mexico) (*interpretation from Spanish*): The Secretariat has prepared the report contained in document A/52/577 for the consideration of this agenda item. That report contains a very brief summary of the practices current in the various areas in which, in one way or another, the official and working languages play a part in the Organization's work.

Unfortunately, the report does not analyse the difficulties and problems encountered in the implementation of current arrangements, nor are specific recommendations made to provide a better service to delegations. In all sincerity, I must say that it appears that the Secretariat is satisfied with the current state of affairs. Apparently, the importance it attaches to multilingualism does not compare to the priority a vast majority of Member States attach to it.

(spoke in French)

The official languages are a privileged and essential instrument of communication. We are convinced that their use is vital to dialogue, negotiation and understanding between Members of the United Nations.

In the second half of the twentieth century the major political, ideological and economic contradictions in society have been discussed and very often resolved within this Organization.

(spoke in Spanish)

The community of nations has had a permanent, civilized forum for settling differences. The progress we have made has resulted from a genuine recognition of our shared destiny as human beings as well as — and this is equally important — an acceptance of our diversity.

For Mexico, the very strength of the United Nations lies in plurality and the excellent opportunities it offers for promoting understanding, convergence and unity of purpose. The priority we attach to multilingualism is not the result of an obsession; it is rooted in the deep conviction that if the Organization — its essence, its practices and its methods — reflect the potential that every culture offers, we will have a more efficient and more effective United Nations.

(spoke in English)

The importance of this item deserves deeper consideration. We therefore hope that the Secretariat can prepare a more analytical and more comprehensive report.

(spoke in French)

For the reasons I have given, the delegation of Mexico will vote in favour of draft resolution A/52/L.35.

Mr. Amehou (Benin) (*interpretation from French*): I am pleased to speak on behalf of the delegation of Benin on this agenda item, "Multilingualism".

Two years ago, in 1995, the General Assembly ended its debate on this agenda item with the adoption of resolution 50/11, in which the Assembly, *inter alia*, requested the Secretary-General to ensure the strict implementation of the resolutions establishing language arrangements for both the official languages and the working languages of the Secretariat.

The Secretary-General has undertaken many initiatives, ranging from the teaching of the official languages of the Organization and the working languages of the Secretariat to library services and data banks, including the use of working languages within the Secretariat, interpretation services for various meetings and the recruitment and training of translators.

My delegation commends those efforts by the Secretary-General, which are aimed at making the world Organization truly pluricultural. Indeed, plurality is a characteristic of any community, and it must be recognized and accepted as a manifestation of freedom.

Today, when science, technology, communication and computing are working profound changes both in the structure of knowledge and in individual and collective expectations, it is of prime importance that we bear in

mind that the universal culture of the third millennium will depend on the contribution of all cultures. With that in mind, Benin has again joined many other delegations in sponsoring this year's draft resolution on multilingualism, draft resolution A/52/L.35.

Our aim is to restore respect for the principle of the equality of the official languages of the Organization and the working languages of the Secretariat — in short, to ensure that the principle of the diversity of languages and cultures within the United Nations system is acknowledged and complied with. For language has an impact far beyond mere communication. It validates cultural heritage and past intellectual experience. Language as a tool for thought is both the means and the end of culture.

That is why we believe that, at a time when new avenues for international cooperation and social progress are being laid out, it is important that all those involved be able to contribute to the development and establishment of the principles that will underpin international relations. This change can be dynamic and produce significant results only if the force behind it is respectful of cultural identity and its elements, protects pluralism and draws sustenance from the wealth inherent in that diversity. Only thus can its great ideals enjoy the broadest possible support.

The United Nations is the only universal forum for dialogue, consultation and negotiation. It should be our ambition to encourage strict respect for the right to make ourselves understood and to understand others, for proper understanding of the questions under discussion is the guarantee of an ever broader and more productive participation.

I should like to highlight the importance we attach to this draft resolution by emphasizing that today the protagonists in international life are growing in number and diversity. It is therefore urgent that we act to promote an ever broader democratization in international life.

We believe that the potential for self-expression and participation contributes to that democratization, with the taking into account of the points of view and concerns of the silent: those who are reduced to silence or those who remain silent because they cannot participate actively in debates or make proper use of the documentation available to them.

For all those reasons, my delegation appreciates the work done by the Secretary-General in implementation of resolution 50/11. Nothing is perfect; by its very nature, any human endeavour is capable of improvement. Benin therefore calls for renewed efforts by the Secretariat to give this privileged instrument of the work of our Organization its full weight.

The time has come for our Assembly to reach a decision along these lines, based on the Secretary-General's proposals for the renewal of the Organization, and to ensure that all aspects of the question are covered.

In conclusion, I would like to express the hope that, in the light of all that I have said, and everything that previous speakers have said, the Assembly will adopt draft resolution A/52/L.35 by consensus.

The Acting President: We have heard the last speaker in the debate on this item.

Before proceeding to take action on draft resolution A/52/L.35, I should like to announce that since its introduction the following countries have become sponsors: Afghanistan, Argentina, Belarus, Cameroon, China, Djibouti, Germany, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Kazakhstan, Lao People's Democratic Republic, Liechtenstein, Luxembourg, Mauritania, Peru, Turkmenistan and Venezuela.

May I take it that the Assembly decides to adopt draft resolution A/52/L.35?

Draft resolution A/52/L.35 was adopted (resolution 52/23)

The Acting President: Before calling on speakers in explanation of position, may I remind members that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Watanabe (Japan): My delegation reluctantly joined the consensus on the draft resolution, for the following reason.

Two years ago, on 2 November 1995, when resolution 50/11 was adopted, my delegation voted against it, since operative paragraph 3 penalizes staff members whose mother tongue is not one of the official languages of the United Nations. This is a discriminatory measure against those countries whose mother tongue is not one of the six official languages, and Japan considers that paragraph unacceptable. Therefore, my delegation reserves the right to intervene, if necessary, at any future stage regarding this resolution on multilingualism.

Although my delegation respects the idea of multilingualism in the United Nations, it would request the Secretary-General to treat equally in matters of recruitment or promotion those United Nations staff whose mother tongue is not one of the official languages of the United Nations.

Mr. Chinvanno (Thailand): My delegation wishes to make it clear that while we joined the consensus on draft resolution A/52/L.35 under this agenda item, "Multilingualism", we continue to have strong reservations regarding operative paragraph 3 of resolution 50/11, which my delegation voted against in 1995. In our view, this paragraph has grave implications for personnel matters. In practical terms, requiring a command of two of the six official languages would place at a serious disadvantage personnel and potential recruits whose mother tongue is not one of the six official languages of the Organization.

Thailand wishes to reaffirm its commitment to multilingualism at the United Nations and to support the idea that the United Nations should promote cultural diversity. But Thailand believes that the promotion of cultural diversity has as its central ideal the concepts of tolerance and understanding, which, in the context of this agenda item, should be extended to those cultures that as a result of forces of history are not associated with the six official languages of this Organization.

Mr. Dlamini (Swaziland): Like the preceding speakers, my delegation wishes to put on record that two years ago we observed that such a resolution deprives Member States of what is otherwise their quota in the United Nations Secretariat. I have especially in mind those countries in the southern part of Africa and in Asia where the languages that are seemingly gaining popularity at the United Nations have never been part of our history. The question, therefore, becomes: will the United Nations — here I refer to paragraph 3 of the report — also expedite training programmes in those countries where French, Spanish, Chinese and Arabic have never been used?

If not, we are seriously concerned that this is a way of trying to marginalize those countries that have never been exposed to the languages in question. The delegation of Swaziland categorically stressed in 1995 that the United Nations had a duty to include in the curricular systems of those countries opportunities to learn all the languages that are used at the United Nations. Otherwise, my delegation may find itself advocating that the Swazi language, which is my language, should be one of the languages used here. And, Mr. Acting President, your language — which is a tribal language — may also be seen to be fighting to find its way to the United Nations. One would like to feel that this is the United Nations — with the emphasis on "United". We own the United Nations, as Member States. Therefore, those who piloted the resolution adopted today should know that they have acted unfairly, especially since it was not put to a vote, as was the case in the past.

Nonetheless, my delegation is willing to change its original position, with the hope that opportunities will be made available.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 23?

It was so decided.

Agenda item 27

Return or restitution of cultural property to the countries of origin

Report by the Secretary-General (A/52/211)

Draft resolution (A/52/L.12)

The Acting President: On behalf of the President of the General Assembly, Mr. Hennadiy Udovenko, allow me to make a few brief remarks on agenda item 27, entitled "Return or restitution of cultural property to the countries of origin".

This item is a good example of the tremendous breadth and diversity of issues before this General Assembly. This very delicate and sensitive issue, as members know, has a long history. Ancient historical texts contain evidence that, since time immemorial, the laws of war included the right to booty. Pillaging was part and parcel of military campaigns as the conquered countries were sacked for treasures while the museums of invaders were filled with the spoils of war.

But there were also examples of a quite different nature. We may recall the action taken by Scipio Africanus back in the second century B.C. After taking Carthage in the course of the Third Punic War, he decided to return to Sicily the wealth that had been taken from it as a result of repeated pillaging by the Carthaginians.

During the past years, the international community has shown increased interest in the issue of cultural property. This has found its reflection in special conventions of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the activities of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation. Amid growing appeals for the preservation of the collective memory incarnated in historic and cultural achievements, there is obviously a need for enhanced cooperation among States in the sphere of the return and restitution of cultural property. A constructive dialogue on this issue at the current session will be an important step towards reaching that goal.

I give the floor to the representative of the Democratic Republic of the Congo to introduce draft resolution A/52/L.12.

Mr. Mwamba Kapanga (Democratic Republic of the Congo) (*interpretation from French*): On behalf of the delegations of Azerbaijan, Burundi, Cameroon, Chad, China, Cyprus, the Republic of the Congo, Côte d'Ivoire, Gabon, Greece, Guatemala, Guinea, Mali, Mongolia, Niger, Peru and Rwanda and of my own delegation, I have the honour of introducing the draft resolution contained in document A/52/L.12 under agenda item 27, entitled "Return or restitution of cultural property to the countries of origin".

My delegation is pleased to inform the Assembly that Colombia, the Republic of Korea, Afghanistan, Bolivia and Turkey have become sponsors of the draft resolution.

The item on the return of cultural property is regularly debated by our Assembly. To be sure, since its introduction in 1972, we have witnessed rather timid implementations of various resolutions. Indeed, the promises made by countries holding cultural treasures, which are indispensable to the preservation and growth of cultural values, have not been fully kept. Hence the great importance of the Medellín Declaration for Cultural Diversity and Tolerance and the Plan of Action on Cultural Cooperation adopted at the first Meeting of the Ministers of Culture of the Movement of Non-Aligned Countries, held on 4 and 5 September 1997.

My delegation, on behalf of the sponsors of this draft resolution, again requests the Secretary-General of the United Nations and the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to do everything in their power to encourage those countries to honour their own promises and thereby allow the United Nations and the countries of origin to achieve their aims.

As the Assembly will note, the draft resolution before the Assembly is essentially procedural. Taking note with satisfaction of the report of the Secretary-General submitted in cooperation with the Director-General of UNESCO, it recalls earlier resolutions, of course, as well as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted on 14 November 1970 by the General Conference of UNESCO.

It welcomes the Declaration and Plan of Action adopted in Medellín. I wish once again to thank the Government of Colombia for having hosted that first Meeting, which was so important to our Ministers of Culture.

The draft resolution commends UNESCO on the zeal and skill it has displayed, in particular in the promotion of the return of cultural property.

The Assembly will certainly recognize the importance to our countries of the restitution of cultural property taken years ago by the colonial Powers. Our countries support all the initiatives and recommendations of the Assembly and hope that the Secretary-General, in collaboration with the Director-General of UNESCO, will submit to the General Assembly at its fifty-fourth session a detailed report on the progress they will undoubtedly register with regard to the return of cultural property to the countries of origin.

On behalf of all the sponsors of draft resolution A/52/L.12, my delegation recommends this text to the attention of all delegations and thanks them for their support.

Mr. Bohaievs'ky (Ukraine): Cultural sovereignty and the upholding of national identity have always been recognized as important elements of national sovereignty and important preconditions for the cultural development of any country. Therefore, any attempt to deprive nations of their cultural property is a threat not only to their sovereignty and national identity, but also to the vital elements of the common heritage of nations. There is no need to prove that every nation has the right to a national and cultural heritage, and in this context the restitution of

historical and cultural property is an indispensable element for enjoying this right.

Politically, legally, socially and ethically, the return of cultural treasures to the countries of their origin is an extraordinarily delicate problem. That is why in every specific case it should be dealt with in an appropriate manner, with due regard for the conditions in which a masterpiece was relocated — that is, whether it was stolen, bought, presented as a gift, found by archaeologists or taken as a result of military operations or colonial plundering and so on.

These issues should be solved on the basis of generally recognized principles of international law and by the application of civilized moral standards. Mutual respect for spiritual sentiments and the needs of nations should determine the relationship between States and their attitude towards the solution of the problems of restitution. We note with satisfaction the growing understanding that the restitution of cultural property scattered throughout the world is a moral obligation of humankind.

For its part, Ukraine is trying to make its political and practical contribution to solving this issue. It has ratified a number of relevant international instruments, including the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. In September of 1994, under the aegis of UNESCO, an international seminar took place in the Ukrainian city of Chernihiv on the issues of restitution of national and cultural objects that were lost or displaced during the Second World War. In December 1996, the capital of Ukraine hosted the international symposium entitled "Legal Aspects of Restitution of Cultural Property: Theory and Practice".

The fact that Ukraine is making valuable contributions to international cooperation in the field of the restitution of cultural property was proved by its election to the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. Ukraine is also developing bilateral cooperation, and such cooperation is yielding positive results.

In our view, the following measures would be appropriate to enhance international efforts in this field. First, the role of UNESCO should be strengthened. Secondly, those Member States which have not done so should be further encouraged to adopt relevant legal acts and join the 1970 UNESCO Convention and the Convention on Stolen or Illegally Exported Cultural Objects, which was opened for signature in Rome on 24 June 1995. Thirdly, the conclusion of bilateral and multilateral agreements should be encouraged, with the aim of preventing the illegal circulation of cultural objects and promoting their restitution. Fourthly, the inventory of lost cultural property should be initiated. Lastly, the activities of mass media and educational institutions to make public opinion aware of the necessity of the restitution of cultural property and the prevention of illegal circulation of cultural property should be intensified.

New thinking should be promoted among collectors and other persons dealing with the circulation of cultural property. It is important to develop a kind of code of conduct for such groups of people, as well as national legislative provisions which would prevent illegal trade in works of art. We also believe that there is a need for the creation, under the auspices of UNESCO, of a special fund to promote restitution of cultural property. In our view, UNESCO could also contribute to the establishment of an international cultural order in the context of the global culture of peace, which could underpin a fruitful dialogue between nations. Finally, the United Nations should consider the possibility of proclaiming 1999 an international year for the preservation, protection and restitution of cultural property.

As was stated in the Mexico City Declaration on Cultural Policies, every nation has the right and duty to defend and preserve its cultural heritage, since the viability of any society is inseparable from the national values in which its citizens find a source for their creativity.

It has been recognized by many that in many cases cooperation between States and nations depends on the successful resolution of issues related to the return and restitution of cultural treasures to the countries of their origin. It is on this understanding that we should base our approach to the issue under consideration. Otherwise, we will continue to be involved in endless discussions with no substantial outcome.

Mr. Mra (Myanmar): The importance of agenda item 27, entitled "Return or restitution of cultural property to the countries of origin", in international relations is reflected in the periodic consideration of this question by the General Assembly. The commitment of the international community to the question keeps alive

the process of negotiations that will enable the countries concerned to recover the cultural property that has been appropriated.

In this regard, we are grateful to the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the information provided in the report contained in document A/52/211, dated 25 June 1997, on UNESCO's continuing efforts for promotion of bilateral negotiations for the return or restitution of cultural property and on its work to curb illicit traffic in cultural property. We are convinced that these steadfast efforts not only enhance international awareness of the question before us but also contribute to better understanding among nations.

We are also encouraged to observe that the report reflects success in a number of cases. We view these successes as positive signs. We are convinced that, through a genuine spirit of cooperation, pending cases will also find solutions acceptable to the parties concerned through bilateral negotiations.

It is gratifying that the ninth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation was able to take up important questions, such as the creation of standardized national inventories, an international database of movable cultural property, an international code of ethics for art dealers and the creation of an international fund to facilitate the restitution of stolen cultural objects. Further discussion of these questions, it is hoped, will eventually lead to certain concrete actions which will have a bearing on the efforts of UNESCO to curb illicit trade in cultural property.

Among the recommendations adopted by the ninth session of the Intergovernmental Committee, Recommendation No. 5, on an international code of ethics for art dealers, is particularly interesting. Despite doubts expressed at the session concerning its non-binding character, an international code of ethics for dealers, together with such existing codes for some dealers' associations, could serve as a tool in the future in drawing a distinction between the licit and illicit trade in cultural objects and will provide guidance for transactions in ambiguous situations. Further exploration of the views on the question is a step in the right direction. We believe that the Director-General of UNESCO will be able to implement other recommendations and achieve positive results.

Myanmar subscribes to the view that the cultural heritage of a people conditions its overall development. Likewise, the loss of a people's cultural heritage leads to its cultural impoverishment and loss of identity. Myanmar, whose civilization dates back many centuries, attaches great importance to its cultural heritage, and its preservation is regarded as a national undertaking. The Government has laid down a national objective entitled "Uplift of national prestige and integrity and preservation and safeguarding of the cultural heritage and national character" as one of the social objectives of the country. With this objective in mind, the process of safeguarding and preserving Myanmar's cultural heritage is an ongoing undertaking carried out by the Government, which is spending millions of kyats. Fully aware of the significance of this process, the people of the country are also contributing to the process in various ways.

Our efforts to recover the cultural property seized and removed from Myanmar in the past constitute part of this undertaking. This is being done with the assistance of UNESCO. In view of the heartening successes in certain cases reflected in the report of the Secretary-General, we very much hope that Myanmar's efforts will achieve similar success.

The commitment of all States to the principles concerning the return or restitution of cultural property to the countries of origin is vitally important. This commitment alone can enhance cooperation among nations and lead to the amicable resolution of the pending specific cases.

Myanmar believes that, with this commitment on the part of all States concerned, UNESCO's efforts in this regard will be successful.

Mr. Abulhasan (Kuwait) (*interpretation from Arabic*): My delegation has reviewed the report of the Secretary-General, presented in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) [A/52/211], which is under consideration today. I should like in this regard to express Kuwait's satisfaction at the contents of the report, which include important points.

We commend the efforts of UNESCO and the Intergovernmental Committee concerned with the restitution of cultural property to the countries of origin, or its return to those countries in cases of illegal acquisition of such property. In this regard, we particularly commend the efforts aimed at encouraging

the promotion of bilateral negotiations to ensure that the properties are inventoried and to limit their illicit traffic. We in Kuwait join our voice to the call for the restitution to the countries of origin of all artworks, archaeological pieces, manuscripts, historical documents, and all other cultural and artistic treasures. This should contribute to bolstering international cooperation, to the preservation of the world's cultural heritage, and to its further development.

Kuwait appreciates fully the great sadness that States and individuals experience at their loss of their cultural treasures which preserve for them their history, civilization and indigenous cultures which are usually in their custody for successive generations. This is especially so when the loss occurs through theft, looting and the destruction of these important historic treasures before the very eyes of a society that made every effort to preserve this high level of culture.

Kuwaiti society endured this very bitter experience during the 1990 oppressive Iraqi occupation, when Iraqi soldiers perpetrated acts of arbitrary destruction and of systematic theft and looting of Kuwait's cultural and archaeological properties, taking them to Iraq in an attempt to obliterate Kuwait's cultural and civilizational development from the annals of history.

I find myself compelled to refer to some of the negative impacts of the Iraqi occupation, especially as regards Kuwait's cultural property. First, 140 manuscripts and historical pictures which were located in Kuwait's central library were looted or destroyed. Of this number, only 15 manuscripts are left. Secondly, the department of Arab heritage of the National Council for Culture, Arts and Literature experienced grave cultural losses. Rare and original manuscripts were looted, among them precious to Kuwait gifts from Arab and foreign libraries in Berlin, Syria, and Tunisia. This is in addition to dictionaries and rare Arab books brought from the Netherlands, Great Britain, Germany and Russia.

Thirdly, the National Museum of Kuwait was subjected to the ugliest forms of comprehensive destruction of historical monuments, especially of pieces located in the museum's department of Islamic archaeology. Iraqi soldiers destroyed and burned historical manuscripts. The same was done to archaeological treasures located in building number 1 and the museum of the island of Faylakah, which date from the Bronze Age and the Hellenic or Islamic eras. Fourthly, rare archaeological pieces were taken from the red palace in the city of Al Jahrah and from the window exhibits of Kuwait's international airport. In this context, I should like to say that since the liberation of Kuwait from Iraqi occupation nothing new has occurred with regard to this situation. Those pieces that have been returned from Iraq through the United Nations were either defective or broken or were missing a great deal of their features.

We in Kuwait call on the international community, represented by the United Nations and UNESCO, to continue their efforts to exert pressure on the Iraqi Government to comply with the relevant Security Council resolutions in order to ensure the restitution of all Kuwaiti cultural property as soon as possible. This should include official State documents including the private archives of the office of His Highness the Emir of Kuwait, the archives of the Foreign Ministry, as well as documents of important Kuwaiti institutions, which constitute a complete record of the country's history.

Although we are satisfied with the report of the Secretary-General and the Director-General of UNESCO referred to earlier, we hope that the next report, which will be considered at the fifty-fourth session under this agenda item, will include a separate paragraph embodying more comprehensive information about international efforts in this regard, especially if no appreciable progress has been made in the area.

In conclusion, I should like to reiterate Kuwait's support for UNESCO. We commend it for the role it has been playing in the return or restitution of cultural properties to the countries of origin, as we consider these properties to have a fundamental cultural value for their respective societies in that they provide a historical and cultural continuum through successive generations.

Mr. Najem (Libyan Arab Jamahiriya) (*interpretation from Arabic*): All peoples attach special importance to their cultural property, because it is a part of their history and symbolizes their deep roots and their civilizations. Today's discussion is therefore of great importance, as it is part of a new campaign against individuals and States to make them return or restore to the countries of origin whatever they looted in the past: manuscripts, archaeological artefacts and other works of great artistic value.

Over the past five centuries, Libya, like many other States, was the victim of vast cultural pillage. Conditions dictated by the occupiers opened the door to the vast, systematic looting of Libya's ancient Arab cultural

heritage. Anyone who visits the famous museums in Europe and the Americas will see many works of art and valuable manuscripts exquisitely wrought by the artistic creative hands of Arab Libyans, who left behind a great historical heritage which was looted and scattered around the world by the colonial Powers, which stripped away many of its most important features.

The Arab Libyans laid the foundations of ancient, prehistoric civilizations. They contributed also to the building of many later civilizations, as can be seen in museums and documentation centres, whose holdings testify to the vast quantity of Libyan artefacts and sculptures. Many of these are displayed, while still more are hidden away in the storerooms of foreign museums all over the world. Suffice it to mention that in 1860, 165 artefacts were looted from the eastern Libyan archaeological city of Shehat; other artefacts — pottery and jars — elucidating the history of that city were also looted, along with thousands of rare coins. Historical sources indicate that dozens of huge columns and several ornamented architectural elements were taken in that year from western Libya to the United Kingdom for use as garden ornaments for the queen. The same source indicates also that 350 marble pillars and thousands of small artefacts were also stolen from the same location. From Bengazi alone, 600 pieces dating back to prehistoric times were stolen; these are now on display in a famous European museum.

Through the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations has tried to restore such artefacts, works of art and manuscripts to their countries of origin. As noted in the report of the Secretary-General contained in document A/52/211, progress has been limited, despite repeated attempts over the past 20 years and more. It is regrettable that some of the countries that possess these cultural treasures still refuse to accede to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. This must be condemned; and the true nature of those claiming to be the leaders of modern civilization, the protectors of human rights and the keepers of the heritage of mankind must be exposed.

We should not stop here. It is important to punish those who have committed such crimes so that they will not repeat them in the future and as a deterrent to others. The point of the punishment would be to prevent repetition of such acts in the future. Those who commit crimes must know that they will be punished sooner or later.

We call upon the international community to stop toying with the cultural history of mankind. The Libyan Arab Jamahiriya — among the first countries to propose that the General Assembly discuss this item a little more than two decades ago — insists on the restoration of its historical heritage whether it be in the form of jewels, artefacts or manuscripts. Now that we have gained complete freedom, we understand the harm done to us through this theft and pillage, and we demand that the countries that are holding our intellectual property restore our possessions to us, because their ownership is based on theft, which is prohibited by law and by the decree of God. If they delay or procrastinate, we will be obliged to resort to all available means to regain our possessions, including bringing suit in international courts. We cannot stand idly by when our historical heritage is at stake, because it is ours, and symbolizes our identity and our civilization. It is a living expression of our deep cultural roots and a legitimate right which we shall insist on from generation to generation.

Mr. Zacharakis (Greece): Draft resolution A/52/L.12 deals with a question that has been before the General Assembly for many years and which reflects concerns that are shared by many States Members of the Organization.

The report of the Secretary-General submitting the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) depicts the untiring efforts of the Secretary-General and the Director-General to enhance world awareness and to assist States in claiming their cultural property. We thank them and reaffirm our support for their efforts. However, the report also clearly reveals the difficulties that the United Nations and UNESCO are confronting in launching the process that would lead to the return of illicitly appropriated cultural property.

As a country with an important cultural history, and as the victim of systematic plundering of its cultural treasures, Greece attaches great importance to the restitution of illicitly appropriated cultural property to its country of origin. It has to be recalled that not even one of the major monuments in Greece has escaped pillaging. In fact, invaluable parts of these monuments have been removed and transferred abroad, far away from their original architectural structures.

We firmly believe that such actions, which reflect tendencies and attitudes of dark periods of the past, do not match present realities, and the unfortunate results of

those past actions should not be perpetuated by our inaction and silence. In this context, we deemed it our duty to co-sponsor this draft resolution, just as we did in 1995. We are determined to spare no effort to curb the illicit traffic in cultural treasures and to promote the return of cultural property to its countries of origin or its restitution in case of illicit appropriation.

To this end we are actively participating in UNESCO and in the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation. We are also contributing to any effort aimed at the improvement of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, as well as at the further elaboration of the International Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects and the European Union regulation dealing with the transfer of cultural objects. Furthermore, we have taken initiatives aimed at the protection of cultural treasures of our neighbouring countries which experienced the aftermath of the Balkan crisis.

Being the repository of a cultural heritage which belongs to the whole world, Greece strongly believes that is our duty to entrust this heritage, healed from the traumas inflicted on it both by time and by human actions, to future generations. This duty emanates from respect for our monuments and from our responsibility towards the international community.

In this context, I would like to avail myself of the opportunity to raise an issue which is of particular importance to my country. The issue of the restitution of the Parthenon Marbles has always remained open for Greece, as well as for the international cultural community, present and past, including many important figures in British history, such as Lord Byron, Shelley and Hardy. By the term "Parthenon Marbles", Greece refers to the sculptural decoration and other elements of the Parthenon, such as column drums, capitals and other elements which were removed and transferred to London by Lord Elgin and are currently on display at the British Museum. The detailed description of these elements has been submitted to UNESCO and is amply documented in international archaeological publications.

It must be noted that the Parthenon Marbles are not self-standing sculptures but indivisible elements of the Temple of the Parthenon, which constitutes the greatest monument of Greek civilization and the symbol of Western civilization, as well as the emblem of UNESCO itself. Moreover, certain of these elements are essential not only for the sake of aesthetic appearance, but also for the static stability of the Parthenon's structure, as was certified during its restoration works.

In the light of the above, it is self-explanatory why the Greek Government is requesting the restitution of the Parthenon Marbles and not simply their return. Since 1982 the matter has been referred on several occasions to the relevant UNESCO bodies, and it was submitted formally to the British Government in 1983.

A number of UNESCO bodies have repeatedly called, through relevant resolutions, for bilateral negotiations between the Greek and British Governments. This is the natural process between two countries which enjoy deep-rooted and friendly relations and are allies, European Union partners and members of the Council of Europe. Greece is willing to discuss the issue with the British Government. We are aware of the delicate nature of the issue and are dealing with it with extreme discretion. At the same time, we remain confident that our cause is justified and endorsed by the international community. We sincerely hope that the British Government and British society, with their undeniable traditional sensitivity towards cultural issues, will not take too long before redressing a grave error. This is an obligation not to Greece, but to the cultural heritage of the whole world.

As the Director-General's report observes, much has been done under the auspices of UNESCO to protect cultural property in its original and natural context and to repatriate the property illegally taken from its countries of origin. However, there is still much to be done. My country is fully prepared to cooperate with international bodies in taking all necessary measures to put an end to the illicit trafficking in cultural property and to ensure the protection, recovery and return of stolen and illegally exported cultural property. We expect that our discussion today before this Assembly will trigger a greater awakening of international public opinion in support of the return or restitution of cultural property to its countries of origin, in particular through mobilization of the information capacity of the United Nations for this purpose.

Mr. Rønneberg (Marshall Islands): The item before us has always been somewhat controversial and has been of great interest for the Government of the Republic of the Marshall Islands over the last few years. In the

context of our debate here at the United Nations, we have become aware of and sympathetic to the situation of friendly countries whose cultural property has been veritably stolen from them during periods of war or colonialism. We can fully sympathize with their plight, and we are willing to assist with responsible support for certain measures that could be taken to alleviate the problem.

Many countries have good knowledge of what cultural icons and treasures belonging to them have been taken away over the years. This is particularly the case for the art treasures of the great civilizations, which are put on display in metropolitan cities around the world. We know a lot about these very famous items, how they were acquired and what their histories may be. But unfortunately, we cannot say the same for all countries. Let me offer an illustration.

We had known that there was a Pacific collection at a well-known university here in the United States, but we did not know that it contained a large number of artefacts from the Marshall Islands. This year, the Minister for Foreign Affairs and Trade of the Marshall Islands made an official visit to that university, and he viewed the collection that came from the Pacific. We were quite astonished by the fine quality of the objects, and especially by some of the handiwork involved. These artefacts were brought to the United States in the 1800s, and were representative of a very high standard and workmanship. We are now also aware of major collections being held by various institutions in Germany, a former colonial administrator. Furthermore, at a recent symposium on the Marshall Islands, we were informed of the large amount of documentation and artefacts brought back to Spain by the early explorers.

I must stress that the Marshall Islands is not calling for these artefacts to be returned as if they had been acquired by illegal means. In our case, we have ascertained that they were indeed purchased in a legally acceptable manner, that they have been cared for properly and that the cultural value of the artefacts has greatly increased in importance due to their age and their relative isolation. What we are intending to do is to seek ways in which these collections may be photographed in detail and catalogued more fully, so that Marshallese students and others can do research on these examples of the cultural history of the Marshall Islands. It is also important to us that we explore the possibility of a visiting exhibit to the Marshall Islands. From our initial conversations with the university museum administrators, they would be quite amenable to such ideas, but they were concerned about the financial costs.

This is where my delegation believes that this draft resolution could make an important contribution. In this regard, we would appeal to the international community, and to the expertise of the relevant United Nations agencies and specialized bodies, to assist us in compiling the necessary data and cataloguing the extensive materials that are housed by these institutions.

We are fearful that in the future these artefacts may decay or be lost before they can be properly documented. They represent a period in Marshall Islands history that needs to be documented better, from a cultural perspective. It is our intention to pursue the possibilities of a visiting exhibition to the Marshall Islands of these collections. After such an exhibition had ended, we could seek to have a permanent exhibition of photographs or copies of the artefacts.

The assistance of the donor community and the United Nations is absolutely essential if we are to be successful. In our view, this is the sort of activity that should be considered under the implementation of this agenda item. In collaboration with relevant United Nations agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), this could prove to be a meaningful step in the right direction, and it would not alienate from the process those who have these collections of artefacts. We will listen carefully to the views of others in this debate and we hope that our comments may provide a useful input to the discussion.

Mr. Al-Hitti (Iraq) (*interpretation from Arabic*): At the outset, my delegation would like to welcome the report of the Secretary-General [A/52/211] before us, which deals with the return or restitution of cultural property to the countries of origin. We are very happy with the recommendations adopted at the ninth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation.

In this respect, we should like to welcome the attention devoted by the secretariat of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to the issue of training members of different professions affected by the issue of the illicit traffic in cultural property, such as law-enforcement officials and museum curators. My delegation would like to express its full and unreserved support for the activities of the International Criminal Police Organization (INTERPOL), in combating the scourge of the illicit traffic in cultural

property, and in particular for its activities in publishing and disseminating information about stolen cultural property. I should also like to reaffirm the fact that my country attaches importance to the exchange of information between databases on stolen cultural property, and supports the establishment of an international fund to facilitate the restitution of stolen or illegally exported cultural property. We should also make art collectors, auctioneers and art gallery owners, more aware of the need to combat the traffic in cultural property.

The fact that the General Assembly considers this issue on a regular basis demonstrates its importance for international relations. The problem has become increasingly serious in recent years because of the renewed growth in the illicit traffic in cultural property, especially archaeological remains, resulting from the deteriorating economic situation of some developing countries and the devaluation of their currencies in comparison with those of a small number of developed countries. Dealers in this handful of industrialized countries have exploited the situation and appropriated this property. Global economic stagnation has further aggravated the problem. Some owners of private capital in western countries have, therefore, been able to buy and appropriate archaeological remains as a reserve investment, to such an extent that trade in archaeological remains from developing countries has become an activity that is organized and led by companies and auction houses openly and with the knowledge of the Governments of the countries concerned.

Despite the fact that several agreements and international instruments grant countries the right to recover their cultural property and to prohibit the illegal traffic, many countries that have appropriated such property refuse to accede to the agreements and do nothing to facilitate bilateral negotiations aimed at restoring the remains to their countries of origin.

Iraq is known as the cradle of the earliest human civilizations and for the diversity of its cultural heritage. Indeed, it is the depositary of the treasures passed down by these civilizations. That is why it is a prime target for the theft of archaeological treasures by the old colonizing Powers or by certain countries that wish to include these rare pieces in their museums. As a result of this systematic pillaging, foreign museums will henceforth overflow with Iraqi archaeological treasures, not to mention the artefacts held in private collections or collections offered by antique dealers. Iraq is continuing to be subjected to the pillage of its cultural artefacts and remains, which has intensified in recent years. The aerial bombardments of the allied forces against Iraqi towns and villages have partially or entirely destroyed Iraqi cultural landmarks, including mosques, churches and archaeological sites. The sanctions imposed on Iraq and the foreign interference in its domestic affairs have given rise to clandestine excavations that have enabled their organizers to appropriate and sell cultural property and rare art objects of inestimable value, as well as manuscripts and antique books. This systematic sabotage of Iraq's cultural identity is increasing as the grip of the embargo imposed on the Iraqi people is tightened. These illegal activities involve the destruction of the cultural heritage of nations and mutilate their sources of cultural creativity throughout history.

We are grateful to UNESCO for its efforts to encourage the international community to pay greater attention to this problem and to help countries to recover their cultural property. We call on all States to cooperate fully with UNESCO so that it can achieve this objective in conformity with the principles of equity and justice in international relations. In this respect we welcome the eight recommendations adopted by the Intergovernmental Committee at its ninth session, held in Paris from 16 to 19 September 1996, in particular Recommendation No. 7, which invites the Director-General of UNESCO to do his utmost to help in the tracing and return of the cultural and archaeological properties stolen and smuggled from Iraq.

We also call for the strengthening of the international conventions that are currently in force designed to protect cultural heritage throughout the world and to provide technical assistance to countries in serious difficulties related to the illicit traffic in artifacts from their cultural heritage. We hope that the United Nations, through its specialized agencies, will continue to step us its efforts to sensitize international public opinion to the irreparable losses suffered by the cultural heritage of certain countries because of pillaging and destruction, and prompt a more general awareness with regard to the return or restitution of cultural properties to their countries of origin. The loss of the cultural heritage of some States is a loss for the culture of the world, for future generations and for humankind as a whole.

Through its participation in international organizations and through bilateral channels, my country, Iraq, is working to recover Iraqi manuscripts and archaeological artefacts that are currently in European countries, and whose holders have confirmed that they were taken out of Iraq illegally. Iraq has drafted a law to prohibit in particular the import of archaeological remains

from other countries if they are not authenticated and accompanied by a permit in due form, and to ban the transit of archaeological remains through the territory of third States if those conditions are not met.

On 29 October 1992, Iraq informed UNESCO, through four sets of documents, of the loss of cultural and archaeological items during the military aggression and of the thousands of archaeological relics stolen from Iraqi museums.

As is well known, all works of art, manuscripts or other archaeological or cultural relics embody the cultural heritage of a people, which has the right to be proud of and to attach special importance to these cultural objects that belong first and foremost to their creators, their artisans and their people. That is why the people are the legitimate owners.

This injustice from the past can be redressed today if certain countries imbibe the principles of justice and fairness and put an end to the kind of selfishness that characterized the colonial period and resulted in the systematic pillaging of the wealth of others, including their patrimony. The logic of law and justice calls for the restitution of such property to its rightful owners and to its countries of origin, since it is an expression of the cultural identity of the people who produced it, which is why such property is a matter of such interest and importance at the national level.

The restitution of that cultural property could contribute to the cultural liberation of countries whose archaeological and historical objects have been stolen. It would constitute a humanitarian measure and the necessary fulfilment of a moral duty by the States which took this property and by international organizations.

We must send a clear message demanding the restitution to the rightful owners of all that has been stolen or pillaged because illegal appropriation does not give those who hold these stolen objects any rights. I should like here to refer to the statement made by the representative of Kuwait a short while ago, which we consider to be quite exaggerated. Nor do we think it appropriate to indulge in such talk under the current agenda item.

That being said, I wish to recall that all Kuwaiti property has been restored, and we are quite prepared to cooperate with the United Nations coordinator entrusted with this matter to return to Kuwait all Kuwaiti property that we discover in the future.

Mr. Cho (Republic of Korea): It was nearly 25 years ago that the General Assembly first addressed the issue of the restitution of cultural property to its countries of origin. My delegation is gratified to see today that the General Assembly is once again considering this pressing issue, which has acquired added urgency over the past few years due to the increased international awareness of its importance.

In this regard, my delegation notes with appreciation the report of the Secretary-General (A/52/211), submitted in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO). The report provides a helpful account of the work that is being done to promote the return or restitution of cultural property to the countries of origin and highlights the need for the international community to cooperate more closely in this area.

Cultural property is the embodiment of the history and culture of a nation, and therefore we believe it can be best valued and appreciated when it is preserved in its country of origin. However, over the course of history — particularly during periods of armed conflict and colonization — numerous priceless cultural artefacts have been taken by illegal means from their original resting places to locations abroad. This problem is of particular significance to Korea, as numerous Korean cultural objects have been pillaged and illegally transferred abroad during our country's history of political turmoil, especially in the late nineteenth century and early twentieth century.

The Korean Government has launched an effort to locate these missing cultural objects by investigating the background of their illicit transfer. As part of this effort, we have been compiling an extensive inventory of all Korean cultural properties illegally transferred abroad, with a view to seeking their return or restitution, mainly through bilateral negotiations with the countries concerned.

Through these efforts, we have been able to achieve some concrete results. A total of 1,659 objects have been voluntarily returned through bilateral agreements with the Japanese Government. An additional 1,642 items have been returned through public and private donations, mostly from Japan. We are grateful to the countries concerned for their invaluable cooperation.

However, we must also admit that there are cases of less encouraging progress in other bilateral negotiations

due to the apparent lack of a sincere spirit of cooperation. For example, the progress achieved so far in our efforts to retrieve the Korean Royal Archives from a certain European country has not yet met our expectations.

It is our strong view that cultural artefacts unlawfully taken away by forcible means cannot be regarded as the property of the countries which currently have them in their possession. Regardless of their current location, those objects remain the property of their countries of origin. They must therefore be returned so that they can be truly preserved and valued in their historical surroundings by the people for whom those objects are an important part of cultural heritage.

This principle is, in our view, fundamental and must be upheld in order to ensure that justice and genuine international cooperation prevail in the international community. It is embodied in the various international instruments and conventions, including the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which provide a framework to facilitate the return of cultural property and prohibit illicit trafficking in them.

My delegation earnestly hopes that those countries which have acquired cultural properties by illegal means will abide by this fundamental principle of the international community, and thus be forthcoming in facilitating bilateral negotiations for the return or restitution of such property to the countries of origin. To ensure satisfactory progress in pursuit of this goal, we believe it is critically important that some countries summon the political will to look beyond the narrow nationalistic interests of the past for the benefit of common interests and cooperation in the future. Equally vital, in our view, is the commitment of the international community as a whole to intensify its efforts to promote a just and fair solution to this important issue.

In this regard, we commend the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation for the important role it has played in promoting bilateral negotiations between requesting and holding countries and in arousing international public opinion on this important issue. My delegation believes that the activities of UNESCO and other relevant organizations in this regard should be strengthened through the support of the United Nations and the cooperation of concerned countries so as to encourage the return of cultural property to its rightful owners.

It is our firm belief that in order to treasure and protect the rich cultural heritage of humankind for generations to come, the international community must do all it can to preserve the respective cultural artefacts of each country, and ensure that those artefacts and objects are restored to their rightful countries of origin. The Republic of Korea will strive to contribute to that vital task, and in that regard we firmly support, as a sponsor, draft resolution A/52/L.12, which is sure, in our view, to foster an environment in which cultural properties can be returned or restituted in a timely manner.

Mr. Zackheos (Cyprus): The report of the Secretary-General on the return or restitution of cultural property to the countries of origin delivers a hopeful message that much of what was needed to be done is being done and that the important efforts of protecting cultural properties are well on their way to bearing fruitful results.

For this hopeful picture, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and its Director-General deserve to be commended. Certainly, not all the provisions and goals set by General Assembly resolutions have been implemented. We are gratified, however, by the progress report of UNESCO, in document A/52/211, dated 25 June 1997, and especially by its account of the results of the holding of the ninth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, as well as by the adoption of eight recommendations, as contained in appendix I of the above-mentioned report.

We commend UNESCO's efforts to promote bilateral negotiations for the return or restitution of cultural property as a matter of cultural continuity and justice, the preparation of inventories of movable cultural properties, the dissemination of information and efforts to establish a code of ethics for art dealers, auction houses and galleries. Similarly, we note in the report the entry into force of the International Institute for the Unification of Private Law (UNIDROIT) Convention and of the efforts to improve existing international conventions for the protection of world cultural properties and agree that our central goal should be increasing the number of ratifications and providing technical assistance to States with acute problems of illicit trafficking in archaeological objects, as well as aiding countries experiencing armed conflicts.

It is very correctly stated in the report that the return or restitution of cultural and artistic treasures to countries of origin contributes to the strengthening of international cooperation. The establishment of an international fund to facilitate the restitution of stolen property will be of great practical assistance to these States.

Our interest in the subject emanates from our desire to communicate again with the international community and to seek its solidarity and assistance for the preservation of the cultural identity of the occupied territories of Cyprus. The occupying Power's policy of changing the demographic and cultural character of Cyprus by the importation of settlers and the destruction, desecration and pillaging, especially of places of worship as a result of the 1974 invasion, constitute a continuous haemorrhage of our cultural heritage. To highlight the immensity of the destruction, I cite here some figures. First, some 15,000 to 20,000 icons have been removed. Secondly, several dozen major frescos and mosaics dating from the sixth century A.D. to the fifteenth century have been segmented for sale abroad. Thirdly, several thousand antiquities and individual objects of historical interest, such as wooden carvings, crosses, bibles and so forth, have disappeared.

As recently as one month ago, stolen Cypriot church objects, such as frescos, icons, ancient pottery and statues were discovered by the German police in Munich in the residence of a Turkish national. The recovery included over 100 valuable pieces of art from the period from the sixth to the fifteenth century. The Government and the Church of Cyprus have spared no effort or money in seeking to recover, or even buy back, whatever Cypriot antiquities could be salvaged. In this endeavour, we are grateful to those individuals, institutions and international organizations for their cooperation and assistance for the discovery and return of many significant treasures.

The first major victory relating to stolen objects occurred with the return to Cyprus, following a civil case in the United States, of four mosaics originating from the Kanakaria church, dating from A.D. 525. The mosaics are now exhibited in the Byzantine Museum in Nicosia. Nevertheless, despite the assistance of organizations, including UNESCO, the Council of Europe, Europa Nostra, the International Council on Monuments and Sites and INTERPOL, as well as devoted curators and scholars throughout the world, a vast number of objects and artefacts remain in the wrong hands. We are faced with an uphill struggle, as we still have no control over the fate of our heritage in our own territory in the occupied part of the Republic.

This territory, may I remind the Assembly, includes the largest part of the island's archaeological and historic sites: the Venetian walls of Famagusta, the medieval castles of Kyrenia, the archaeological sites of Salamis, Mycenaean Engomi, churches and monasteries built between the fourth and the eleventh centuries, as well as neolithic bronze Phoenician, Greek and Roman sites. We hope that the United Nations, through its specialized agencies, will continue to contribute towards increasing the awareness of the international community of the importance of safeguarding the cultural heritage of Cyprus and, in fact, of all States. The archaeological treasures of States are treasures of the world. Their loss will be a loss to mankind and to global civilization.

As to those who intentionally destroy the cultural heritage of States, the words of Euripides echo through the ages as a stern warning.

> "Fool is the one who sacks a city, making a desert of temples, pillaging the tombs, the sanctuaries of the dead, for he prepares his own doom in times to come."

Ms. Rodríguez (Peru) (*interpretation from Spanish*): As heir to one of the oldest and richest civilizations in the world, Peru draws on immense and extremely varied cultural resources. My delegation is therefore taking the floor on this item, given its extreme importance.

Peru greatly appreciates the work done by the United Nations Educational, Scientific and Cultural Organization (UNESCO) with regard to the return of cultural property to its countries of origin or its restitution in case of illicit appropriation. We would like especially to commend the work of the Director-General of UNESCO, as well as that of the Intergovernmental Committee established to those ends.

Likewise, we commend UNESCO's overall efforts to promote the return of property or its restitution in case of illicit appropriation to its countries of origin. We thank the Director-General of UNESCO for his report contained in document A/52/211, on which my delegation would like to make the following comments.

Peru gives its full support to the Intergovernmental Committee as the international negotiating forum for reaching satisfactory solutions on behalf of countries seeking to recover their cultural property. We can mention specifically, as a result of such endeavours, the return by Honduras of various art objects, for which we

express our heartfelt thanks to its Government. At the bilateral level, we would like to express the same gratitude to the Government of Canada, which on 28 November 1997 will officially return to Peru a collection of valuable pre-Columbian pieces. We also attach great importance to the memorandum of understanding signed on 9 June of this year between the Government of the United States and our own Government to restrict the importation to the United States of Peruvian pre-Columbian and colonial materials.

We firmly believe that international cooperation is fundamental for curbing illicit traffic in cultural property. Peru thanks UNESCO for its activities designed to provide the appropriate training to various categories of professionals who deal with the issue of illicit traffic in cultural property. We recommend that UNESCO continue to give priority to this matter. In this connection, Peru once again requests UNESCO to cooperate in the training of officials entrusted with enforcing the law on the protection of the nation's cultural heritage, since in recent years my country has continued to suffer great losses of its cultural heritage because of clandestine excavations and subsequent illicit traffic.

We are also grateful to the International Council of Museums (ICOM) for the publication of a training manual for the documentation of African collections, as an additional effort to facilitate the establishment of national inventories and the training of local personnel.

We share the views of the representative of the Getty Information Institute on the need to rely on some standardized, basic method of exchanging information on stolen cultural property and on the importance of having precise information about such property, as well as the conclusion that only through closer cooperation between private organizations and the public sector, at both the national and the international level, will we be able to curb this illicit traffic.

Peru, a signatory of the 1995 Convention on Stolen or Illegally Exported Cultural Objects of the International Institute for the Unification of Private Law (UNIDROIT), appeals to those countries that have not yet done so to adhere to or ratify the UNESCO and UNIDROIT Conventions. We welcome with satisfaction the UNIDROIT initiative to establish a database of legislation and international conventions for the protection of cultural property, States' participation and a bibliography.

Peru supports the establishment of an international fund to facilitate the restitution of stolen or illicitly exported cultural property, which would be of benefit to those countries that cannot pay the costs entailed by this effort. We believe that the establishment of this fund must take a number of factors into account, particularly the sources of funding, in order to ensure its effectiveness and viability.

Peru believes it advisable to adopt a code of ethics for art dealers and other professionals in the field of cultural property. Though non-binding, such a code will make it possible to enhance ethical standards in the art trade.

In addition, we fully agree with the importance attached to a public awareness campaign to curb illicit traffic in cultural property, and we believe the Internet is a valuable tool for that purpose. In this connection, my delegation commends the Government of France for its valuable initiative to disseminate via the Internet information on French museums' holdings of cultural property whose owners are unknown and which has never been claimed.

For these reasons, the delegation of Peru fully supports the text of draft resolution A/52/L.12, now before the General Assembly for consideration.

The Acting President: We have heard the last speaker in the debate on this item.

Before proceeding to take action on draft resolution A/52/L.12, I should like to announce that since its introduction, Egypt has become a sponsor of the draft resolution.

The Assembly will now proceed to take a decision on draft resolution A/52/L.12.

One representative wishes to make a statement in explanation of vote before the voting. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Dlamini (Swaziland): My delegation is appreciative indeed of this debate on the restoration or restitution of cultural property. I am speaking as a son of Africa and also as a student of history who has seen how much havoc was brought on the developing nations, particularly in my continent, Africa.

Prior to debating this subject, we debated the question of languages. The way in which we African nations were deprived of our own languages, which are also our heritage, is another important phenomenon.

Thank God, however, that we in the Kingdom of Swaziland are still one of those unique nations in Africa that retains our heritage, languages and traditional institutions. We praise the Almighty God, who blinded the eyes and minds of those who were responsible for the illicit trafficking and extermination of our African heritage.

I have a question: Who are these that are still the culprits today? The draft resolution and agenda item are not coming before the Assembly for the first time. The culprits are known. Can they behave like Christians in a church who, when they are convinced of their sins, simply stand up and say, "We confess our misdeeds"? For sure, they know themselves, and they know the heritage they took from other nations.

I am thinking of the Rosetta Stone, which was taken from Egypt, I am thinking of the papyrus material that was taken from Egypt, and, on a more serious note, I am thinking of the embalmed bodies that were taken by some Members of the United Nations to use to serve as centres to attract tourism. I shudder to say that those culprits are Members of the United Nations. My delegation would therefore humbly request them that of their own accord, and having heard and understood the cry of the world, they restitute these heritage properties.

We Africans have a bad history. We have heard our brothers and sisters who were hewn from our continent and taken elsewhere on the globe. While on their way their teeth were extracted forcibly, their morals were extracted forcibly, and their brains were extracted forcibly and kept in certain museums. This, we regard as a heritage for Africa, and we are saying that the time has come that such should be restored, with a minimum of compensation at the most.

Paragraphs 6 and 7 of the report, however, give my delegation a sense of encouragement that certain countries have agreed to return the heritage wherever it was taken. Heaven is theirs, I can assure them, because they are telling the truth. God the Almighty will reward them if they honour what they have said in paragraphs 6 and 7 and if they can live up to their promises.

We call for yet other Members to do likewise. The time to restore what was accidentally taken from us has come. We suffered from the boundaries that divided Africa, we suffered from the languages that divided us in Africa. I am no longer able to understand and communicate with my brother in Central Africa. I am no longer able to communicate and understand my brother in the western part of Africa. All that was due to the history that has been imposed on us.

As the United Nations, we want to forgive them. As Member States we want to forgive them. But let them live up to their promises. In future, the draft resolution should be a consensus resolution because of the fact that we shall be in a position to understand and agree mutually.

The Acting President: We have heard the only speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/52/L.12. I call first on the representative of the Secretariat.

Mr. Perfiliev (Director, General Assembly and Economic and Social Council Affairs Division): I should like to inform members that, should the General Assembly adopt draft resolution A/52/L.12, there will be no programme budget implications.

The Acting President: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Argentina, Armenia, Australia, Azerbaijan, Belarus, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, Ghana, Greece, Iceland, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Madagascar, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Mongolia, Myanmar, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saudi Arabia, Senegal,

Singapore, Slovakia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Zambia

Against:

None

Abstaining:

Andorra, Austria, Belgium, Chile, Denmark, France, Georgia, Germany, Ireland, Israel, Italy, Japan, Latvia, Luxembourg, Netherlands, Poland, Portugal, Russian Federation, San Marino, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Draft resolution A/52/L.12 was adopted by 87 votes to none, with 23 abstentions (resolution 52/24).

[Subsequently the delegation of Hungary informed the Secretariat that it had intended to vote in favour.]

The Acting President: The delegation of Kuwait has asked to speak in exercise of the right of reply. I remind members that, in accordance with decision 34/401, statements in exercise of the right of reply shall be limited to 10 minutes for the first intervention and to five minutes for the second, and should be made by delegations from their seats.

Mr. Al-Awdi (Kuwait) (*interpretation from Arabic*): I would like to express my regret at having to ask for the floor at such a late hour. I listened attentively to what the representative of Iraq said a little while ago on agenda item 27, regarding the return or restitution of cultural property to the countries of origin. I would like to make the following remarks in this regard.

First, my delegation has taken note of what the delegation of Iraq said towards the end of his statement about their readiness to cooperate in restoring Kuwaiti property, and we hope that this will be done in a serious manner. Secondly, my delegation remains committed to all that was said by the Permanent Representative of Kuwait on this item just a while ago.

Thirdly, the representative of Iraq's characterization of what was stated by the Permanent Representative of Kuwait regarding the negative impact of the oppressive Iraqi occupation on the cultural property of Kuwait as exaggerated is wrong and Iraq cannot deny it. The destruction and pillaging of important cultural and historical property perpetrated by the occupying Iraqi soldiers in Kuwait in 1990 has been documented by concerned international organizations. It was also witnessed by me, as a Kuwaiti citizen, before I became a diplomat here. As a Kuwaiti I lived out the period of Iraqi occupation of Kuwait, and I have personally seen the deliberate destruction by the Iraqi Republican Guards of museums and cultural property in Kuwait. I cannot forget seeing the Iraqi occupiers accompanied by a director of one of the Iraqi national museums or cultural centres break down the doors of the National Museum and then loot and steal the Museum's acquisitions, removing them to Iraq.

Fourthly, Iraq is creative in contradicting itself and its acts. When the representative of the Iraqi regime refers to the importance of cultural property for States and calls for not trafficking illegally in them and for their restoration, he is simply ignoring that his own regime has done the same heinous thing. This does not surprise us because we have grown accustomed to the style of contradiction which the Iraqi regime lives by.

Fifthly, I would like to reaffirm that this is the appropriate item under which we can express Kuwaiti concerns regarding Iraq's refusal to return the rest of Kuwaiti intellectual property. And what has been returned has arrived destroyed and defective. Therefore, we again call upon Iraq to cooperate seriously in implementing the relevant Security Council resolution.

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 27?

It was so decided.

The meeting rose at 7.40 p.m.